



## Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

**TUESDAY, SEPTEMBER 4, 2018**

**9:30**

**Calendar No. 18-173:**

**15714 Talford Ave.**

**Ward 1**

**Joseph T. Jones**

**35 Notices**

Wayne Byrd, owner, proposes to establish use as state licensed residential facility for up to 5 residents in an A1 One Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 325.571 which states that a "Residential Facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to an of the following: (a) one (1) or two (2) unrelated person with mental illness; (b) one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.
2. Section 337.02(h) which states that A residential facility for one (1) to five (5) unrelated persons, is permitted in a One Family District provided it is located not less than one thousand (1,000) Feet from another residential facility. Proposed use is within 1,000 feet of another residential facility, Open Arms Adult family house, at 16003 Glendale Avenue. (Filed August 2, 2018)

**9:30**

**Calendar No. 18-174:**

**3929 Lorain Ave.**

**Ward 3**

**Kerry McCormack**

**19 Notices**

Triban Investments, owner, proposes to establish use as a parking lot in a C3 Local Retail Business District and a Pedestrian Retail Overlay District (PRO). The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 341.02 which states that the premises are in a designated Design Review District, The City Planning and the Landmarks Commission approval are required; the City Planning Commission nor the Landmarks Commission have not approved the application.
2. Section 343.239(e) (2)(A)(B) which states that parking lots and driveways that extend across public sidewalks that are in the Pedestrian Retail Overlay District (PRO) are Conditional Uses that must be approved by the City Planning Commission; the City Planning Commission has not approved the uses.
3. Section 349.07 which states that accessory off-street parking spaces be provided with wheel or bumper guards; and
4. Section 349.07 (c) which states that a driveway used to provide accessibility to accessory off-street parking spaces shall be so located and arrange to minimize traffic congestion; there is no outlet for proposed one-way traffic.

5. Section 352.04 which states that a landscape plan is required; and no landscaping plan is proposed.(Filed August 2, 2018)

**9:30**

**Calendar No. 18-175: 6050 Truscon Ave.**

**Ward 5**

**Phyllis E. Cleveland**

**13 Notices**

Madprop, LLC., owner, proposes to install a 10 foot tall, battery powered, low voltage (12V,DC), perimeter security system (electric fence) to be located inside of existing chain link fence around a 327,061 square foot lot in a B3 General Industry District. The owner appeals for relief from the strict application of section 358.05(a)(2) of the Cleveland Codified Ordinances which states that a fence in the actual front yard and in the actual side street yard shall not exceed six feet in height. (Filed August 7, 2018)

**9:30**

**Calendar No. 18-176: 3403 Denison Avenue**

**Ward 12**

**Anthony Brancatelli**

**25 Notices**

Jean Saad, owner, proposes to change use to a community store in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 337.08 which states that in a Multi-Family District a community store is not permitted but is first permitted in Local Retail District
2. Section 352.10 which states that a 6' wide landscape strip is required between Denison Ave. and W 34 St. where parking abuts the street and a 4' landscape strip proposed.
3. Section 352.10 which states that a 6' transition strip is required at the rear and side where the use abuts a Multi-Family Districts.
4. Section 359.01 which states that a substitution of nonconforming use requires BZA approval. (Filed August 7, 2018)

**9:30**

**Calendar No. 18-177: 4925 Lee Rd.**

**Ward 1**

**Joseph T. Jones**

**16 Notices**

Three Black Knights, LLC., owner, proposes to expand existing auto repair garage to include used car sales in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 343.01 Local Retail Detail which states that Used Car sales is not permitted in Local Retail Business District but first permitted in General Retail per section 343.11.
2. 352.10 which states that A 4' wide frontage landscape strip is required along Lee Rd between lot and street; no landscaping is proposed.
3. Section 350.04 which states that a separate permit is required for sign. (Filed August 9, 2018)

**9:30**

**Calendar No. 18-184:**

**1977 East 126 St.**

**Ward 6**

**Blaine A. Griffin**

**16 Notices**

WXZ Development Incorp., owner, proposes to erect a 28' x 60' four story frame single family residence with attached garage in a C1 Multi-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 353.01 which states that the Maximum Height allowed 35' in a '1' Height District and the appellant is proposing 45'
2. Section 355.01 which states that the Maximum Gross floor area shall not be greater than 50% of lot size or in this case 857 square feet and the appellant proposing 2,428 square feet. Also this section states that the minimum lot area required is 4,800 square feet and the appellant is proposing 1,714 square feet.
3. Section 357.04(a) which states that the required front yard setback shall not be less than 15% of the depth of lot or in this case 13.4 feet and the appellant is proposing 8.33 feet and a cantilever roof at 8 feet.
4. Section 357.08(b)(1) which states that the required rear yard 22.5 feet and the appellant is proposing 0 feet.
5. Section 357.09(b)(2)(A) which states that no building shall be less than 10' from main building on adjoining lot and the appellant is proposing 8 feet and 0 feet.
6. Section 357.09(b)(2)(C) which states that the required interior side yard is 11.25 feet and the appellant is proposing 0 feet. This section also states that the total of both side yards on same premises shall not be less than 10'.
7. Section 357.13 which states that an air conditioning unit is not a permitted yard encroachment.
8. Section 357.15(a) which states that the distance between main building and rear building shall not be less than 40 feet and the appellant is proposing 26 feet. (Filed August 23, 2018)

**9:30**

**Calendar No. 18-186:**

**1979 East 126 St.**

**Ward 6**

**Blaine A. Griffin**

**16 Notices**

WXZ Development Incorp., owner, proposes to erect a 28' x 34' four story frame single family residence with attached garage in a C1 Multi-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 353.01 which states that the Maximum Height allowed 35' in a '1' Height District and the appellant is proposing 45'.
2. Section 355.01 which states that the Maximum Gross floor area shall not be greater than 50% of lot size or in this case 796 square feet and the appellant proposing 2,975 square feet. Also, this section states that the minimum lot area required is 4,800 square feet and the appellant is proposing 1,592 square feet. And, the minimum required lot width is 40 feet and the appellant is proposing 35.78 feet.
3. Section 357.04(a) which states that the required front yard setback shall not be less than 15% of the depth of lot or in this case 8.88 feet and the appellant is proposing 8.33 feet.

4. Section 357.08(b)(1) which states that the required rear yard 22.5 feet and the appellant is proposing 0 feet.
5. Section 357.09(b)(2)(A) which states that no building shall be less than 10' from main building on adjoining lot and the appellant is proposing 0 feet.
6. Section 357.09(b)(2)(C) which states that the required interior side yard is 11.25 feet and the appellant is proposing 0 feet. This section also states that the total of both side yards on same premises shall not be less than 10'.
7. Section 357.13 which states that an air conditioning unit is not a permitted yard encroachment.
8. Section 357.15(a) which states that the distance between main building and rear building shall not be less than 40 feet and the appellant is proposing 24 feet. (Filed August 23, 2018)

**9:30**

**Calendar No. 18-185:**

**1981 East 126 St.**

**Ward 6**

**Blaine A. Griffin**

**16 Notices**

WXZ Development Incorp., owner, proposes to erect a 28' x 34' four story frame single family residence with attached garage in a C1 Multi-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 353.01 which states that the Maximum Height allowed 35' in a '1' Height District and the appellant is proposing 45'.
2. Section 355.01 which states that the Maximum Gross floor area shall not be greater than 50% of lot size or in this case 796 square feet and the appellant proposing 2,309 square feet. Also, this section states that the minimum lot area required is 4,800 square feet and the appellant is proposing 1,878 square feet. And, the minimum required lot width is 40 feet and the appellant is proposing 35.78 feet.
3. Section 357.04(a) which states that the required front yard setback shall not be less than 15% of the depth of lot or in this case 5.25 feet and the appellant is proposing 0 feet.
4. Section 357.08(b)(1) which states that the required rear yard 22.5 feet and the appellant is proposing 7 feet 6 inches.
5. Section 357.09(b)(2)(C) which states that the required interior side yard is 11.25 feet and the appellant is proposing 5 feet and 0 feet. This section also states that the total of both side yards on same premises shall not be less than 10'.
6. Section 357.13 which states that an air conditioning unit is not a permitted yard encroachment. (Filed August 23, 2018)

**POSTPONED FROM AUGUST 13, 2018**

**9:30**

**Calendar No. 18-149:**

**4419 Train Ave.**

**Ward 3**

**Kerry McCormack**

**15 Notices**

Train 4411, LLC., owner, proposes to install an 8 foot tall fence in the front, side and rear yard of a parcel located in a B1 Semi-Industry District. The owner appeals for relief from the strict application of Section 358.05 of the Cleveland Codified Ordinances which states that fences in actual front yards and in side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open above two (2) feet in height. This section also states that in actual rear yards and actual interior side yards, fences shall not exceed six (6) feet in height and may be open or solid. The

proposed fence is 8 feet tall. (Filed June 28, 2018- No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A FAMILY EMERGENCY.*

**9:30**

**Calendar No. 18-150:**

**3017 West 46 St.**

**Ward 3**

**Kerry McCormack**

**15 Notices**

Worldwide Painting, owner, proposes to install an 8 foot tall fence in the front, side and rear yard of a parcel located in a B1 Semi-Industry District. The owner appeals for relief from the strict application of Section 358.05 of the Cleveland Codified Ordinances which states that fences in actual front yards and in side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open above two (2) feet in height. This section also states that in actual rear yards and actual interior side yards, fences shall not exceed six (6) feet in height and may be open or solid. The proposed fence is 8 feet tall. (Filed June 28, 2018-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A FAMILY EMERGENCY.*

**9:30**

**Calendar No. 18-151:**

**3021 West 46 Street**

**Ward 3**

**Kerry McCormack**

**15 Notices**

Train 4411, LLC., owner, proposes to install an 8 foot tall fence in the front, side and rear yard of a parcel located in a B1 Semi-Industry District. The owner appeals for relief from the strict application of Section 358.05 of the Cleveland Codified Ordinances which states that fences in actual front yards and in side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open above two (2) feet in height. This section also states that in actual rear yards and actual interior side yards, fences shall not exceed six (6) feet in height and may be open or solid. The proposed fence is 8 feet tall. (Filed June 28, 2018-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A FAMILY EMERGENCY.*